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19 *Richard & Son Long Island Corporation, MARTA Cooperative of America, Inc., ABC Appliance,*  
20 *Inc., and Schultze Agency Services LLC*

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

15 **IN RE CATHODE RAY TUBE (CRT)**  
16 **ANTITRUST LITIGATION**

Master File No. 3:07-md-05944-SC

MDL No. 1917

17 This Document Relates To:

18 **DECLARATION OF PHILIP J. IOVIENO**  
19 **IN SUPPORT OF DIRECT ACTION**  
20 **PLAINTIFFS' ADMINISTRATIVE**  
21 **MOTION TO SEAL PORTIONS OF**  
22 **THEIR OPPOSITION TO MITSUBISHI'S**  
23 **MOTION TO DISMISS PURSUANT TO**  
24 **CIVIL LOCAL RULES 7-11 AND 79-5(d)**

25 *Best Buy Co, Inc. v. Technicolor*  
26 *SA, et al., No. 13-cv-05264;*

27 *Siegel v. Technicolor SA, et al., No. 13-cv-*  
28 *00141;*

29 *Costco Wholesale Corp. v. Technicolor SA, et*  
30 *al., No. 13-cv-05723;*

31 *Electrograph Systems, Inc. v. Technicolor SA, et*  
32 *al., No. 13-cv-05724;*

33 *Interbond Corp. of Am. v. Technicolor SA, et*  
34 *al., No. 13-cv-05727;*

35 *Office Depot, Inc. v. Technicolor SA, et al.,*  
36 *No. 13-cv-05726;*

37 *P.C. Richard & Son Long Island Corp. v.*  
38 *Technicolor SA, et al., No. 13-cv-05725;*

39 DECLARATION OF PHILIP J. IOVIENO IN SUPPORT OF  
40 CERTAIN DIRECT ACTION PLAINTIFFS'  
41 ADMINISTRATIVE MOTION TO SEAL

Master File No. 3:07-md-05944-SC

*Sears, Roebuck & Co. v. Technicolor SA, et al.*, No. 13-cv-05262;

*Schultze Agency Services, LLC v. Technicolor SA, et al.*, No. 13-cv-05668; and

*Target Corp. v. Technicolor SA, et al.*, No. 13-cv-05686.

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DECLARATION OF PHILIP J. IOVINO IN SUPPORT OF  
DIRECT ACTION PLAINTIFFS'  
ADMINISTRATIVE MOTION TO SEAL

Master File No. 3:07-md-05944-SC

1 I, **PHILIP J. IOVIENO**, declare as follows:

2       1. I am a partner at the law firm of Boies, Schiller & Flexner LLP, liaison counsel  
 3 for Direct Action Plaintiffs (“DAPs”), and counsel for Electrograph Systems, Inc. and  
 4 Electrograph Technologies Corp. (“Electrograph”), Interbond Corporation of America  
 5 (“BrandsMart”), Office Depot, Inc. (“Office Depot”), P.C. Richard & Son Long Island  
 6 Corporation (“P.C. Richard”), MARTA Cooperative of America, Inc. (“MARTA”), ABC  
 7 Appliance, Inc. (“ABC Warehouse”), and Schultze Agency Services, LLC (“Tweeter”)  
 8 (collectively, “Plaintiffs”), and I am licensed to practice law in the State of New York and  
 9 admitted to practice *pro hac vice* before this Court. Except for those matters stated on  
 10 information and belief, which I believe to be true, I have personal knowledge of the facts recited  
 11 in this declaration and, if called upon to do so, I would competently testify under oath thereto.

12       2. I submit this Declaration in support of Plaintiffs’ motion to file the highlighted  
 13 portions of the following documents under seal pursuant to Civil Local Rules 7-11 and 79-5(d):

14           • Direct Action Plaintiffs’ Opposition to Mitsubishi’s Motion to Dismiss Complaints  
 15 (“Opposition”)

16       3. Portions of Plaintiffs’ Opposition in this case contain excerpts from and/or  
 17 statements derived from documents and testimony which have been designated “confidential” or  
 18 “highly confidential” pursuant to the Stipulated Protective Order governing this litigation [Dkt.  
 19 306, June 18, 2008] (“Stipulated Protective Order”). The confidential/highly confidential  
 20 designations were made by certain defendants in this litigation. To qualify as confidential or  
 21 highly confidential under the Stipulated Protective Order, information must contain trade secrets  
 22 or other confidential research, development or commercial information or private or  
 23 competitively sensitive information. Stipulated Protective Order at ¶ 1.

24       4. The Stipulated Protective Order requires that a party may not file any confidential  
 25 material in the public record. Stipulated Protective Order at ¶ 10. The Stipulated Protective  
 26 Order further provides that any party seeking to file any confidential material under seal must  
 27 comply with Civil Local Rule 79-5. Stipulated Protective Order at ¶¶ 1, 10.

28       5. The highlighted portions of Plaintiffs’ Opposition contains such material, and,  
 DECLARATION OF PHILIP J. IOVIENO IN SUPPORT OF  
 DIRECT ACTION PLAINTIFFS’  
 ADMINISTRATIVE MOTION TO SEAL

pursuant to Local Rule 79-5(e), Plaintiffs seek to submit this material under seal in good faith in order to comply with the Stipulated Protective Order and the applicable Local Rules.

6. Therefore, Plaintiff respectfully requests an order sealing portions of Plaintiffs' Opposition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 27th day of January, 2014 at Albany, New York.

/s/ Philip J. Iovieno

Philip J. Iovieno

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a true and correct copy of the documents listed below to be served by ECF filing on January 27, 2014 to each of the persons as set forth on the attached service list.

- Direct Action Plaintiffs’ Administrative Motion to Seal Portions of Their Opposition to Mitsubishi’s Motion to Dismiss Pursuant to Civil Local Rules 7-11 and 79-5(d)
- Declaration of Philip J. Iovieno in Support of Certain Direct Action Plaintiffs’ Administrative Motion to Seal Portions of Their Opposition to Mitsubishi’s Motion to Dismiss Pursuant to Civil Local Rules 7-11 and 79-5(d)
- Proposed Order Granting Certain Direct Action Plaintiffs’ Administrative Motion to Seal Portions of Their Opposition to Mitsubishi’s Motion to Dismiss Pursuant to Civil Local Rules 7-11 and 79-5(d)

Dated: January 27, 2014

/s/      Adam Weber

Adam Weber

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